

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

GEORGE MANDALA and CHARLES  
BARNETT, individually and on  
behalf of all others similarly situated,

Plaintiffs,

-v-

NTT DATA, INC.,

Defendant.

Case No. 18-cv-6591-CJS-MWP

**NOTICE OF MOTION TO DISMISS  
THE FIRST AMENDED CLASS  
ACTION COMPLAINT IN ITS  
ENTIRETY AND WITH PREJUDICE**

**PLEASE TAKE NOTICE** that, upon the Declaration of Jacqueline Phipps Polito, dated April 17, 2024, with its attached exhibits, and Defendant's Memorandum of Law in Support of its Motion to Dismiss the First Amended Class Action Complaint in its Entirety and With Prejudice, Defendant NTT DATA, Inc., by and through its attorneys, Littler Mendelson, P.C., will move this Court, before the Honorable Charles J. Siragusa, United States District Judge, in the United States District Court for the Western District of New York, 2120 Kenneth B. Keating Federal Building, 100 State Street, Rochester, New York 14614, on a date and time to be determined by the Court, for an Order: (1) pursuant to FED. R. CIV. P. 12(b)(1), 12(b)(6) and/or 28 U.S.C. § 1367(c)(3) dismissing Plaintiffs' First Amended Class Action Complaint in its entirety, with prejudice, and granting such other and further relief as this Court deems just and proper; or (2) if the Court does not grant Defendant's Motion to Dismiss, in its entirety, to dismiss certain of Plaintiffs' claims and strike Plaintiff's class allegations pursuant to FED. R. CIV. P. 12(b)(1), 12(b)(6), 12(f) and 23(d)(1)(D), and granting such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, in accordance with Local Rule of Civil Procedure 7(a)(1), Defendant intends to serve Reply Papers and, therefore, Plaintiff is required to file and serve opposing papers within the time limits identified in Local Rule 7(b)(2)(B) of the

Local Rules of Civil Procedure for the United States District Court for the Western District of New York unless a motion schedule is otherwise set by the Court.

Dated: April 17, 2024  
Fairport, New York

LITTLER MENDELSON, P.C.

By: /s/ Jacqueline Phipps Polito

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